

Application No. 10/762,037
Response to Office Action of January 26, 2007

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Atty. Docket No. 042390.P18575
TC/A.U. 2182

Remarks

The Applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein. Claims 1, 8, and 10-13 have been amended. Claims 2 and 9 have been cancelled. No claims have been added or withdrawn in this response. Thus, claims 1, 3-8, and 10-20 remain pending in the application.

Claim Rejections § 101

Claims 8-12 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject-matter. Claim 9 has been cancelled without prejudice and, thus, the rejection of claim 9 is moot. Claims 8 and 10-12 have been amended to recite, "a machine-readable storage medium." The Applicant respectfully requests that the rejection of claims 8 and 10-12 be withdrawn.

Claim Rejections § 102

Claims 1-3 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by published U.S. Patent Application No. 2003/0177296 filed by Kurth (*Kurth*). The Applicant respectfully submits that claims 1-3 and 13 are not anticipated by *Kurth* for at least the reasons set forth below.

The Manual of Patent Examining Procedure ("MPEP"), in § 2131, states:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in

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as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, under 35 U.S.C. § 102, a claim is anticipated *only if* each and every element of the claim is found in the cited reference and the cited reference must show the invention in as complete detail as contained in the claim.

Amended claim 1 recites:

1. (Currently Amended) A method comprising:
dynamically modifying one or more attributes of each of a plurality of requests to access one or more memory devices, wherein dynamically modifying the one or more attributes comprises dynamically prioritizing the plurality of requests in response to latency sensitivity of each of the plurality of requests; and
arbitrating among the plurality of requests to select a request to send to the one or more memory devices in a time slot based on the one or more attributes.

(Emphasis added). Independent claims 8 and 13, as amended, similarly recite dynamically prioritizing the plurality of requests in response to latency sensitivity of each of the plurality of requests. The Applicant notes that “dynamically prioritizing” refers to dynamically modifying a priority of a request (see, e.g., [0023]). In addition, the Applicant notes that “latency sensitivity” refers to the sensitivity of data to a transfer rate. For example, audio data may be more sensitive to latency than text data (see, e.g., [0023]).

Regarding the claim terms directed to “dynamically prioritizing the plurality of requests in response to latency sensitivity of each of the plurality of requests,” the Office action directs the Applicant’s attention to [0017] of *Kurth*. In particular, the Office action directs the Applicant’s attention to a round robin arbiter and a fixed priority arbiter. The Applicant respectfully notes that these two schemes are merely mechanisms for arbitrating among requests based on their current priorities. They do not, however,

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address dynamically modifying a priority of the requests. In addition, the two arbitration mechanisms do not disclose prioritizing the requests in response to the latency sensitivity of each request. For at least the above stated reasons, the Applicant respectfully submits claims 1 and 13 are not anticipated by *Kurth*.

Claims 2-3 depend from claim 1. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant respectfully submits that claims 2-3 are not anticipated by *Kurth*.

Claim Rejections § 103

Dependent claims 5, 6, 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kurth* in view of Applicant's Admitted Prior Art (*AAPA*). Claims 5 and 6 depend from claim 1. Claims 11 and 12 depend from claim 8. For at least the reasons sets forth below, the Applicant submits that claims 5, 6, 11, and 12 are not rendered obvious by *Kurth* in view of *AAPA*.

AAPA is cited as teaching "request types." Whether or not *AAPA* discloses the limitations cited by the Office action, it does not teach or suggest "dynamically prioritizing the plurality of requests in response to latency sensitivity of each of the plurality of requests," as recited in claims 1 and 8. Because neither *Kurth* nor *AAPA* teach or suggest the above-cited claim limitations, no combination of *Kurth* and *AAPA* teaches or suggests the invention as claimed in claims 1 and 8. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant respectfully submits that dependent claims 5, 6, 11, 12 are not rendered obvious by *Kurth* in view of *AAPA*.

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Dependent claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kurth* in view of Published U.S. Patent Application 2002/0116555 filed by Somers et al. (*Somers*). Claim 20 depends from claim 13. For at least the reasons sets forth below, the Applicant submits that claim 20 is not rendered obvious by *Kurth* in view of *Somers*.

Somers is cited as teaching "DMA controllers." Whether or not *Somers* discloses the limitations cited by the Office action, it does not teach or suggest "dynamically prioritizing the plurality of requests in response to latency sensitivity of each of the plurality of requests," as recited in claim 13. Because neither *Kurth* nor *Somers* teach or suggest the above-cited claim limitations, no combination of *Kurth* and *Somers* teaches or suggests the invention as claimed in claim 13. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant respectfully submits that dependent claim 20 is not rendered obvious by *Kurth* in view of *Somers*.

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Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Respectfully submitted,

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